

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No.6274 of 2007
Date of Decision: 28.4.2007

Udey Parsad

Petitioner

versus

The Presiding Officer and another

Respondents

CORAM:- **HON'BLE MR. JUSTICE JASBIR SINGH**

HON'BLE MR. JUSTICE RAJESH BINDAL

Present: Shri Kirti Kumar, Advocate for the petitioner

Jasbir Singh, J. (Oral)

This writ petition has been filed with a prayer to quash order dated 7.3.2007 (Annexure P/4), vide which, application of the petitioner, to delete issue No.2-A, was dismissed.

It is apparent from the records that on a demand notice sent by the petitioner, the matter was taken up by the Conciliation Officer and on failure of the proceedings, the matter was referred to the Labour Court, for adjudication. Following reference was made by the competent authority:-

“Whether the termination of service of workman Sh.Uday Parkash is legal or justified? If not to what relief, he is entitled?”

Upon notice, the management put in appearance and in its written statement, it was specifically stated that service of the workman was not terminated, rather he absented from duty and abandoned his service. By taking note of above said fact, additional issue No.2A was framed, which reads thus:-

“Whether the claimant absented from duty w.e.f. 27.1.93 and abandoned his job? (OPM)”

This issue was framed in presence of the representative of the petitioner. He raised no objection to the same. Subsequent thereto, the petitioner moved an application with a prayer to delete that issue, having been framed unnecessarily and contrary to the reference made. That application was dismissed. The issue framed is incidental to the main dispute with regard to termination of the petitioner. Plea of abandonment was specifically taken by the management, which necessitate framing of issue No.2A. We feel that the order passed is justified. No case is made out for interference.

Dismissed.

(Jasbir Singh)
Judge

April 28, 2007
gk

(Rajesh Bindal)
Judge